

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIMBERLY S. TIMON,)	
Plaintiff,)	
v.)	C.A. No. 12-271 Erie
)	
CAROLYN W. COLVIN, ¹)	
Comm'r of Soc. Security,)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on October 31, 2012, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on October 30, 2013, recommended that Plaintiff's Motion for Summary Judgment [Dkt. #10] be denied, Defendant's Motion for Summary Judgment [Dkt. #12] be granted, and that the decision of the administrative law judge be affirmed.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff and Defendant by NEF. No objections were filed. After de

¹ Carolyn Colvin became the Acting Commissioner of Social Security on February 14, 2013 and is automatically substituted as the Defendant in this suit pursuant to Federal Rule of Civil Procedure 25(d).

novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8th day of January, 2014;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment [Dkt. #10] is DENIED, and that Defendant's Motion for Summary Judgment [Dkt. #12] is GRANTED. The decision of the administrative law judge is affirmed.

The report and recommendation of Magistrate Judge Baxter, dated October 30, 2013, is adopted as the opinion of the Court.

/s/Donetta W. Ambrose
DONETTA W. AMBROSE
United States Senior District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record